

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

OSMAN G. MUNDU

v.

YVONNE SILVIA, HR MANAGER  
SOLO CUP COMPANY, INC.

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CIVIL NO. CCB-09-1646

**MEMORANDUM**

The defendant in this employment discrimination case has filed a motion to dismiss asserting that the plaintiff Osman Mundu did not file his charge with the EEOC within the 300 days permitted in a deferral state. Assuming that the date of filing was March 17, 2009, as alleged in the complaint and referenced in the EEOC letter on that date, this was 308 days after the May 13, 2008 termination of which Mundu complains. No basis for equitable tolling has been suggested. *See Williams v. Giant Food, Inc.*, 370 F.3d 423, 428, 430 n.4 (4<sup>th</sup> Cir. 2004) (explaining that in a deferral state, such as Maryland, the applicable limitations period is 300 days, and finding no basis for equitable tolling).

As Mundu notes, the EEOC did not deny the claim as untimely. This may have been because it so clearly lacked merit. As Mundu explained to the EEOC and in his complaint in this court, he was involved in an “altercation with an African-American co-worker on the job. It resulted in me being injured. I also filed a police report against the co-worker. As a result we both were discharge[d].” Cplt. at 3. Mundu then asserts, with no factual support whatsoever, that he was discharged “due to my national origin (Sudanese).” *Id.* While the discharge may or may not have been unfair, there is no basis to show it was discriminatory treatment.

As the complaint is not timely, it will be dismissed by separate Order.

October 15, 2009

Date

/s/

Catherine C. Blake  
United States District Judge